

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 2123**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 10/053,521
Filed: January 18, 2002
Inventor(s):
 Jeffrey Kodosky and
 Jack MacCriskin

Title: Simulation, Measurement
 and/or Control System and
 Method with Coordinated
 Timing

§
§
§
§
§
§
§
§
§
§
§

Examiner: Pierre Louis, Andre
Group/Art Unit: 2123
Atty. Dkt. No: 5150-42901

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Dear Sir or Madam:

Appellant requests review of the rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Appellant is in receipt of the Office Action mailed September 18, 2006. Claims 2-18 stand rejected. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claims 2-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al., U.S. Patent No. 5,574,854 (hereinafter “Blake”), in view of Bilger, U.S. Patent No. 6,912,429 (hereinafter “Bilger”). Appellant respectfully traverses these rejections.

Taking claim 2 as an exemplary independent claim, the claim recites in pertinent part, a first program, wherein the first program is operable to:

selectively route the request for input, depending on whether the system is in simulation mode, wherein selectively routing the request for input comprises:

routing the request for input to the simulation program if the system is in simulation mode;

routing the request for input to the input device if the system is not in simulation mode.

The Examiner asserts that this subject matter is substantially taught by Blake but that Blake fails to teach determining whether the system is in simulation mode and fails to teach that the system can be configured to turn the simulation mode on or off. Appellant disagrees and submits that Blake fails to teach much more of the above-recited subject matter than just the limitations regarding the simulation mode.

The Examiner has apparently equated the first program recited in claim 2 with Blake's Real-Time Logger 2302 and has equated the simulation program recited in claim 2 with Blake's Simulator 2303, both of which are illustrated in FIG. 23. However, Blake teaches nothing at all about the Real-Time Logger 2302 selectively routing a request for input to either the Simulator 2303 or to an input device. Blake instead teaches that, "A real-time logger 2302 intercepts service requests (function calls) of an application program 2301 intended for an old server program and sends the request to a simulator program 2303." (Col. 49, lines 57-60.) There is simply no teaching whatsoever of the Real-Time Logger 2302 routing the service requests to anything other than the simulator program 2303.

Appellant thus submits that Blake clearly does not teach the limitations in claim 2 on which the 103(a) rejection depends on Blake to teach, for at least the reasons given above. Furthermore, the combination of Blake with Bilger still does not teach or suggest the concept of a first program that is operable to selectively route a request for input to either a simulation program or an input device. Furthermore, Appellant respectfully submits that Blake and Bilger do not combine to form a case of *prima facie* obviousness for the present claims for numerous other reasons, as will be argued in detail in an Appeal Brief if necessary. However, Appellant believes that in light of the comments above, no further discussion is necessary at this time.

In light of the foregoing amendments and remarks, Appellant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Appellant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-42901/JCH.

Also filed herewith is a Notice of Appeal.

Respectfully submitted,

/Mark S. Williams/

Mark S. Williams, Reg. #50658

Agent for Applicant

Meyertons, Hood, Kivlin, Kowert & Goetzel PC

P.O. Box 398

Austin, TX 78767-0398

Phone: (512) 853-8800

Date: December 18, 2006 MSW/JLB